

Message Text

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ORIGIN L-03

INFO OCT-01 IO-14 ISO-00 SCI-06 SPC-03 AF-10 ARA-16 EA-11

EUR-25 NEA-10 RSC-01 OIC-04 DLOS-06 CIAE-00 COME-00

DODE-00 EB-11 FMC-04 INR-10 NSAE-00 CG-00 COA-02

AEC-11 INT-08 CEQ-02 EPA-04 DOTE-00 TRSE-00 SSO-00

INRE-00 /162 R

DRAFTED BY L/EN:MJMATHESON:EB

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L/OA - MR. LEITZELL

IO/UNP - MR. SCULLY

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FM SECSTATE WASHDC

TO USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L STATE 235168

FOR WILLIS

E.O. 11652: GDS

TAGS: OCON, SENV

SUBJECT: IMCO MARINE POLLUTION CONFERENCE

REF: GENEVA 6288

1. TEXT OF U.S. POSITION PAPER FOR SUBJECT CONFERENCE
POUCHED TO ATTENTION OF WILLIS. FOLLOWING COMMENTS RELATE
TO FINAL CLAUSES OF CONVENTION ON PREVENTION OF POLLUTION
FROM SHIPS ADOPTED BY CONFERENCE.

2. ART 13 ADOPTED "ALL-STATES" FORMULA FOR SIGNATURE AND
ACCESSION; POSITION PAPER ALLOWED USDEL TO ACCEPT THIS
FORMULA. ONLY REAL CONTROVERSY CENTERED ON HOW IMCO, AS
DEPOSITARY, WOULD ADMINISTER THIS FORMULA. IMCO SECGEN
GOAD STATED ON THE RECORD IN PLENARY SESSION THAT HE WOULD
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ROUTINELY ACCEPT DEPOSIT OF INSTRUMENTS FROM STATES WITHIN

VIENNA FORMULA, BUT WOULD REFER ALL OTHER ATTEMPTED DEPOSITS TO IMCO ASSEMBLY FOR ITS GUIDANCE, SINCE SECGEN COULD NOT MAKE SUCH POLITICAL DECISIONS BY HIMSELF. NO CHALLENGE WAS MADE TO THIS PROCEDURE.

3. ART 16 INCLUDES EXPLICIT AMENDMENT PROCEDURE FOR ARTICLES AND TACIT AMENDMENT PROCEDURE FOR APPENDICES (MOSTLY LISTS OF HARMFUL SUBSTANCES); THERE WAS BROAD CONSENSUS

IN CONFERENCE ON THESE POINTS. HOWEVER, SUBSTANTIAL CONTROVERSY AROSE OVER PROCEDURE FOR AMENDMENT OF ANNEXES (COMBINATION OF SUBSTANTIVE OBLIGATIONS AND TECHNICAL DETAILS). U.S. AND MOST DEVELOPED COUNTRIES FAVORED TACIT PROCEDURE, WHILE LDCS STRONGLY OPPOSED IT. AFTER EXTENDED DEBATE, FLOOR MANEUVERS, AND CORRIDOR NEGOTIATIONS, COMPROMISE ADOPTED WHICH: (1) GIVES IMCO ADOPTING BODY (WHICH WILL BE NEW MARINE ENVIRONMENT PROTECTION COMMITTEE) DECISION IN EACH CASE AS TO WHETHER AMENDMENT SUBJECT TO TACIT OR EXPLICIT ACCEPTANCE; (2) ALLOWS A STATE IN ANY PARTICULAR CASE TO NOTIFY IMCO THAT ITS EXPLICIT ACCEPTANCE WOULD BE REQUIRED TO BIND IT TO THE AMENDMENT UNDER CONSIDERATION; AND (3) ALLOWS ANY STATE TO OPT OUT OF AMENDMENT UNDER TACIT PROCEDURE BY DECLARATION WITHIN SIX MONTHS OF ACCEPTANCE OF AMENDMENT. WITHOUT THESE CONCESSIONS, ADOPTION BY TWO-THIRDS OF CONFERENCE SEEMED QUESTIONABLE.

4. RE ART 20, ALMOST ALL DELS WITH DIFFERENT LANGUAGE BACKGROUNDS SCRAMBLED TO GET RECOGNITION OF THEIR MOTHER TONGUES EITHER IN AUTHENTIC TEXTS OR OFFICIAL TRANSLATIONS. RUSSIAN AND SPANISH BECAME AUTHENTIC; ARABIC, GERMAN, ITALIAN, AND JAPANESE BECAME OFFICIAL. SOMEHOW HINDI, SWAHILI, PORTUGUESE, CHINESE, GREEK, URDU, AND ICELANDIC IGNORED.

5. NO ARTICLE ON RESERVATIONS INCLUDED, AND CUSTOMARY RULES WILL THEREFORE APPLY. HOWEVER, LANGUAGE OF ART 14(1) EFFECTIVELY PRECLUDES RESERVATIONS ON ANNEXES I AND II, WHICH ARE SUBSTANTIVE HEART OF CONVENTION. USDEL THEREFORE SATISFIED WITH RESULT.
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6. IS WILLIS STILL ALIVE AND WELL? KISSINGER

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NNN

Message Attributes

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30 JUN 2005

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